



PATENT
Customer No. 22,852
Attorney Docket No. 5725.0595-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of:

Carlos PINZON et al.

Application No.: 09/733,900

Filed: December 12, 2000

For: COSMETIC COMPOSITIONS
CONTAINING AT LEAST ONE
HETEROPOLYMER AND OIL
SOLUBLE CATIONIC
SURFACTANTS AND METHODS
OF USING SAME

)
)
) Group Art Unit: 1615

)
) Examiner: J. VENKAT

)
) Confirmation No.: 5474

MAIL STOP AMENDMENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(d)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicants bring to the attention of the Office the documents listed on the attached IDS Form PTO/SB/08. This Supplemental Information Disclosure Statement is being filed after issuance of the final Office Action dated June 2, 2005. In compliance with 37 C.F.R. § 1.97(d), this Supplemental Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by 37 C.F.R. § 1.17(p) and a certification as specified by 37 C.F.R. § 1.97(e)(2).

Based on a reasonable inquiry, no document listed in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent

07/19/2005 HAL111 00000071 09733900
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office in a counterpart foreign application, and no document listed in this Supplemental Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c), more than three (3) months prior to the filing date of this Supplemental Information Disclosure Statement.

Copies of the listed documents are attached, excluding any U.S. Patents. Applicants' representatives understand from the Examiner that in related co-pending applications she considered references cited in the IDS Forms PTO/SB/08 filed but crossed through some of the citations and did not initial the entries to avoid the printing of the those documents on the face of any patent granted there from. In light of the Examiner's representations regarding the crossing-out of references in the related co-pending applications, Applicants will consider any entries crossed through by the Examiner in this case as having been properly submitted and considered by the Examiner unless the Examiner specifically states otherwise in the papers returning the form.

Further to the Notification of Pending Litigation filed on July 23, 2004, in this application, Applicants submit two additional documents from the on-going litigation *L'Oreal S.A., et al. v. Estee Lauder Companies Inc. et al.*, Civil Action No. 04-1660 (D.N.J.). The first document is Estee Lauder's Amended Answer and Counterclaims, dated April 21, 2005. The second document is a copy of Estee Lauder's Response to Plaintiffs' Third Set of Interrogatories (Nos. 8-13). Both of these documents are enclosed with this Information Disclosure Statement and listed on the IDS Form PTO/SB/08.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 66 U.S.P.Q.2d 1801 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under the amended Rule 56, and thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants are not representing that the office actions in the co-pending applications are material to the present application and are not admitting that any of the other claims are substantially similar, out of an abundance of caution, Applicants have listed the substantive office actions filed in co-pending applications on the attached form. At the Examiner's request, Applicants have not included copies of the office actions from co-pending applications issued by the Examiner of this application.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

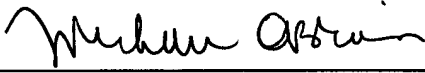
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 18, 2005

By: 

Michelle E. O'Brien
Reg. No. 46,203

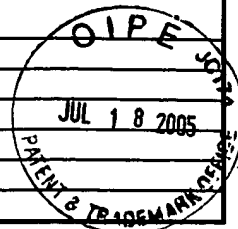
**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	09/733,900
Filing Date	December 12, 2000
First Named Inventor	Carlos PINZON et al.
Art Unit	1615
Examiner Name	J. VENKAT
Attorney Docket Number	05725.0595-00000

**U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS**

Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		4,148,875	4/10/1979	Barnett et al.	
		4,822,601	4/18/1989	Goode et al.	
		5,290,555	3/1/1994	Guthausen et al.	
		5,605,651	2/25/1997	Balzer	
		5,702,519	12/30/1997	Nitta et al.	
		5,993,787	11/30/1999	Sun et al.	
		6,214,326	4/10/2001	Dupuis	
		6,361,764 B2	3/26/2002	Herve Richard et al.	
		6,428,773 B1	8/6/2002	Oko et al.	
		6,447,759 B2	9/10/2002	Noguchi et al.	
		6,506,716	1/14/2003	Delplancke et al.	
		6,761,881 B2	7/13/2004	Bara	
		6,875,245 B2	4/5/2005	Pavlin, Mark S.	

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation
		Estee Lauder's Amended Answer and Counterclaims, dated April 21, 2005, in the on-going litigation L'Oreal S.A., et al., v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		Estee Lauder's Response to Plaintiff's Third Set of Interrogatories (Nos. 8-13), dated June 21, 2005, in the on-going litigation L'Oreal S.A., et al. v. The Estee Lauder Companies Inc., et al., Civil Action No. 04-1660 (D.N.J.)	
		Office Action in co-pending Application No. 09/733,896 (Attorney Docket No. 05725.0806-00), dated July 13, 2005 (Ex. Nutter)	
		Office Action in co-pending Application No. 09/733,898 (Attorney Docket No. 05725.0808) dated April 25, 2005 (Ex. Yoon)	
		Office Action in co-pending Application No. 09/733,899 (Attorney Docket No. 05725.0594) dated May 3, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/733,900 (Attorney Docket No. 05725.0595-00), dated June 2, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 09/749,036 (Attorney Docket No. 05725.0832-00) dated April 29, 2005 (Ex. Venkat)	

Examiner
SignatureDate
Considered

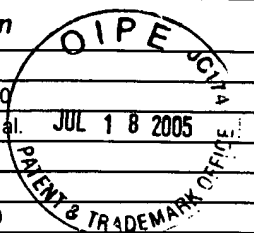
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	09/733,900
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First Named Inventor	Carlos PINZON et al.
Art Unit	1615
Examiner Name	J. VENKAT
Attorney Docket Number	05725.0595-00000



Sheet	2	of	2
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NON PATENT LITERATURE DOCUMENTS

	Office Action in co-pending Application No. 10/012,052 (Attorney Docket No. 05725.1005-00), dated June 3, 2005 (Ex. Venkat)	
	Office Action in co-pending Application No. 10/203,254 (Attorney Docket No. 05725.0817-01) dated April 22, 2005 (Ex. Berko)	
	Office Action in co-pending Application No. 10/203,375 (Attorney Docket No. 06028.0018-00), dated May 13, 2005 (Ex. Punnose)	
	Office Action in co-pending Application No. 10/312,083 (Attorney Docket No. 05715.1187) dated April 18, 2005 (Ex. Venkat)	
	Office Action in co-pending Application No. 10/699,780 (Attorney Docket No. 05725.0895-02), dated June 15, 2005 (Ex. Venkat)	
	Office Action in co-pending Application No. 10/746,612 (Attorney Docket No. 05725.1338-01) dated June 15, 2005 (Ex. Venkat)	
	Richard J. Lewis, Sr., "Ricinoleic Acid," Hawley's Condensed Chemical Dictionary 972 (13th. 1997)	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.